

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date September 19, 2002 Time 4:00 p.m.

MEMBERS PRESENT

Marty Whalen, Chair
Mike Cowan
Rich Adams
Pat Esparza
Lynda Bailey
Barbara Carpenter

MEMBERS ABSENT

Dan Brock, Vice-Chair (excused)

OTHERS PRESENT

Frank Mizner
Dorothy Chimel
Ryan Heiland
Lois Underdah
Maria Salaiz
Anne Blech

Jim Davidson
Greg Marek
Patrick Murphy
Kristjan Sigurdsson
Stephanie Wright

Dianne Woods
Ben Patton
William Puffer
Teresa Brice Heames

Chair Whalen declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated September 19, 2002. Before adjournment at 4:45 p.m., action was taken on the following items:

It was moved by Boardmember Cowan, seconded by Boardmember Bailey that the minutes of the July 18, 2002 meeting be approved as amended. The vote was approved unanimously by Boardmembers present at the July meeting.

It was moved by Boardmember Adams, seconded by Boardmember Esparza that the minutes of the August 15, 2002 meeting be approved as submitted. The vote was approved unanimously by Boardmembers present at the August meeting.

Consent Agenda Items: All items identified with an asterisk (*) were approved with one Board motion.

Code Amendment: Amending Section 11-18 to add a new section 11-18-15 of the Zoning Ordinance.

Zoning Case: *Z02-31

MINUTES OF THE SEPTEMBER 19, 2002 PLANNING AND ZONING MEETING

Item: Amending Section 11-18 of the Zoning Ordinance to add a new section, 11-18-15 regarding a Citizen Participation Plan requirement for public hearing cases.

Comments: Chairman Whalen stated he would like the minutes to reflect the following correction to the minutes of the July 18, 2002 meeting regarding the Citizen Participation Plan.

Reason for Recommendation: From: the Board felt that mandating citizen participation was not appropriate at this time. To: the Board felt that the citizen participation ordinance, as drafted, was not appropriate at this time.

Mr. Frank Mizner, Planning Director, gave an overview of the Citizen Participation Plan. He stated that this is an item which is being brought back to the Planning and Zoning Board for a second time. In July the Board recommended against the adoption of this ordinance. The Board felt the proposed ordinance was not in a proper format and was too restrictive. Mr. Mizner mentioned that in 1998, the Citizen Participation Plan was adopted by guideline, through a City Council resolution, that has worked fairly well but does not have the force of law. City Council has urged staff to move forward. Staff has revised the ordinance accordingly and is recommending approval of the ordinance as drafted.

Mr. Mizner recognized the work performed on this ordinance by Anne Blech, the Citizen Participation Planner, who has worked with neighborhood organizations, city staff and individual Boardmembers and Councilmembers to put together an ordinance, which addresses a wide variety of concerns.

Anne Blech, Citizen Participation Planner, also gave an overview of the revisions made to the ordinance. She stated that the discussion from the Planning and Zoning Board and individuals was that it was a little bit restrictive and needed some flexibility. Staff wanted to have a cooperative effort with the applicants to reach out to citizens to help identify impacts and come up with methods to mitigate those impacts where possible and focus on the ones that did not. Ms. Blech stated that the ordinance, as presented, is completely rewritten and hopes it offers that flexibility. The ordinance also refers to the citizen participation guidelines to assist staff in helping applicants write citizen participation plans that are executable.

Dianne Woods, 1426 W. Pepper Place, stated that she submitted a supportive petition to the Board. She stated that neighbors were excited about this ordinance and wanted to know what happens in their neighborhood.

Mr. Mizner mentioned that staff does have the original petition submitted by Ms. Woods, which is signed by twelve residents of the 1400 Block of West Pepper Place and the 100 Block of N. Standage in support of the Citizen Participation Plan and will make the petition part of the file and forward it to the City Council.

William Puffer, 8330 E. Thomas Road, representing the Spook Hill Neighborhood Action Association pointed out that residents formerly didn't really get involved in the process until a hearing occurred. The developer usually had a fully developed plan by that time, spent lots of money and effort, and usually was not too anxious to make changes to accommodate citizen's needs, which created an adversarial situation. Since these guidelines have taken effect there has been a dramatic change. The advantages seen are that the developer does get citizen input early in the process and is willing to work with the residents. Mr. Puffer urged the Board to pass this ordinance to City Council.

MINUTES OF THE SEPTEMBER 19, 2002 PLANNING AND ZONING MEETING

Greg Marek, City of Mesa's Redevelopment Director, stated that redevelopment areas are not exempted from the ordinance. Mr. Marek stated that the Redevelopment Office uses a neighborhood notification process. This relates not only to zoning cases and design review but also with every redevelopment project. Every property owner within 300' and sometime more is notified as to what is happening in their area. He encouraged the Planning and Zoning Board along with the Downtown Development Committee to consider having a neighborhood notification process, so when design review cases and non-public hearing cases come up they have an opportunity to participate at the beginning of the process as opposed to the end of the process.

Stephanie Wright, 535 N. Orange Street, stated she has been active in organizing neighborhoods and neighborhood participation in their area for almost 10 years. She stated that the neighborhood is concerned about infill projects and the impact that an infill project can have on the neighborhood. She urged the Board to pass the ordinance and stated that this would give citizens of Mesa the opportunity to be proactive and at least try to influence what they feel is best for their neighborhood.

Teresa Brice Heames, representing Housing for Mesa, stated that as a community based organization they have been committed to citizen participation in the early stages of development. She stated that the City has a wide variety of neighborhoods and the plan needs to be tailored to each neighborhood and this ordinance allows for that. The other significant thing is that a summary of the citizen's comments must be presented. She stressed that the ordinance does not require the developer to concede to every single request initiated by the neighborhood. Ms. Brice Heames mentioned that the last time this matter was before the Board, Housing for Mesa sent an electronic message through Mr. Mizner in favor of this ordinance and she urged the Board to pass this ordinance.

Jim Davidson spoke in support of the ordinance. He stated that in his term as Councilmember he came to know the importance of citizen participation and that speaking on these issues was critical and needed for the vitality of the process. He stated he supports it and hopes the Board would unanimously support the citizen participation ordinance as presented.

Boardmember Cowan commended Ms. Anne Blech for her work on this ordinance. He pointed out that compared to what the Board saw in July the staff had been responsive to the Board's request in finding something that is adaptable, flexible, and does not place too many demands on staff. This would provide some benefits for members of the community to provide input as to what happens in their neighborhoods. Mr. Cowan stated he supports this ordinance and made a motion for approval of the ordinance as presented.

Boardmember Carpenter seconded the motion for approval. She stated she was very excited about this ordinance. Ms. Carpenter hoped the public understands that this is not just about notification of projects. In the past cities and other governments had notification policies, but it wasn't the first step it was usually the last step with disastrous results. Now, it's the first step and it goes further. This requires early notification and is an invitation and an opportunity to learn and to comment on potential impacts. As Ms. Wright stated earlier, this is a time to be proactive to talk about what your neighborhood needs. She hoped City Council would look at this very closely.

Boardmember Esparza stated she is in support of the citizen participation ordinance. She has

MINUTES OF THE SEPTEMBER 19, 2002 PLANNING AND ZONING MEETING

been assured by Mr. Mizner on some of her questions: 1) that after the citizen participation report has been filed by the applicant, the neighbors has the right to review the report, which will be held at the Planning & Zoning office and 2) that accommodations for language barriers and disabilities during the participation process will be provided.

Boardmember Bailey stated that when a case was brought to staff if staff wasn't pleased with the citizen participation plan they would immediately require the applicant to give more input on citizen participation. She stated she originally did not like the idea of making it an ordinance because of the wording with punitive damages, prison terms and fines. This did nothing to further the development community of Mesa. At the same time, we all agree that citizen participation guarantees the right of each citizen of Mesa to speak. Ms. Bailey stated she is thankful to Growing Smarter for giving the City the right to make an ordinance. She thanked Ms. Anne Blech for making the ordinance less restrictive and more user friendly for developers. Ms. Bailey stated she is in support of the ordinance.

Boardmember Adams stated he is in support of the ordinance but had reservations until speaking with Ms. Anne Blech, who answered his questions. He stated he is a proponent of less government less regulations and that citizen participation is critical. He mentioned that the City has competent staff who will be administering this ordinance fairly and he is in support of the ordinance.

It was moved by Boardmember Cowan, seconded by Boardmember Carpenter.

That: The Board recommends to the City Council approval of amending Section 11-18 of the Zoning Ordinance as drafted.

Vote: Passed 6-0

Reason for Recommendation: The Board felt that the citizen participation ordinance as drafted should be forwarded to the City Council for approval.

* * * * *

MINUTES OF THE SEPTEMBER 19, 2002 PLANNING AND ZONING MEETING

Item: **Z02-31** The southeast corner of Baseline Road and Roslyn (1.1 ac). Site Plan Modification. This case involves the development of multi-tenant retail. Joseph C. Cattaneo, owner; Kristjan Sigurdsson, K&I Architects & Interiors, LLC, applicant.

Comments: This case was on the consent agenda, therefore, it was not discussed individually; however, Boardmember Carpenter commented that she was pleased with the way the applicant was responsive to the Board's recommendations for revising the plan.

It was moved by Boardmember Esparza seconded by Boardmember Bailey

That: The Board recommend to the City Council approval of zoning case Z02-31 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, and elevations submitted, (without guarantee of lot yield, building count, lot coverage, or square footage) except as noted below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, or at the time of the City's request for dedication whichever comes first.
5. All street improvements and perimeter landscaping to be installed with construction of subject building.
6. Compliance with all requirements of the Design Review Board.
7. This pad building to be architecturally compatible with the center.
8. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport which will be prepared and recorded by the City prior to the issuance of a building permit.
9. Retention basins to be 6:1 slopes maximum when adjacent to public rights-of-way or pedestrian walkways.

Vote: Passed 6-0

Reason for Recommendation: The Board felt the revised proposal was well designed for this site.

* * * * *

MINUTES OF THE SEPTEMBER 19, 2002 PLANNING AND ZONING MEETING

Respectfully submitted,

Frank Mizner, Secretary
Planning Director

LU:ms
I:\P&Z 02\MINUTES\09-02.doc